

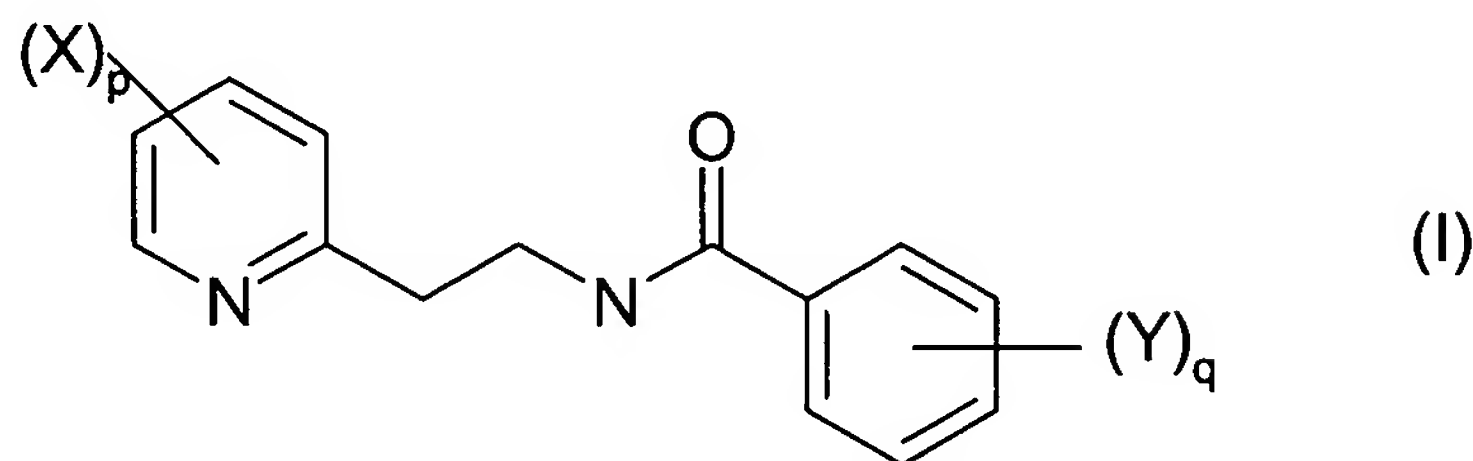
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Response to Office Action of November 1, 2010

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims

1. (Currently Amended) A composition comprising:
 - (a) a pyridylethylbenzamide derivative of formula (I)



in which:

p is an integer equal to 1, 2, 3 or 4;

q is an integer equal to 1, 2, 3, 4 or 5;

each substituent X is independently selected from the group consisting of halogen, alkyl and haloalkyl;

each substituent Y is independently selected from the group consisting of halogen, alkyl, alkenyl, alkynyl, haloalkyl, alkoxy, amino, phenoxy, alkylthio, dialkylamino, acyl, cyano, ester, hydroxy, aminoalkyl, benzyl, haloalkoxy, ~~halosulphonyl~~ halosulfonyl, halothioalkyl,

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alkoxyalkenyl, ~~alkylsulphonamide~~ alkylsulfonamide, nitro, ~~alkylsulphonyl~~ alkylsulfonyl,
~~phenylsulphonyl~~ phenylsulfonyl and ~~benzylsulphonyl~~ benzylsulfonyl;

and to the N-oxides of the 2-pyridine moiety thereof; and

(b) a compound capable of inhibiting ergosterol biosynthesis selected from the group consisting of azaconazole, bitertanol, bromuconazole, cyproconazole, difenoconazole, diniconazole, epoxiconazole, fenbuconazole, fluquinconazole, flusilazole, flutriafol, hexaconazole, imibenconazole, ipconazole, metconazole, myclobutanil, penconazole, propiconazole, prothioconazole, simeconazole, tebuconazole, tetraconazole, triadimefon, triadimenol, triticonazole, diclobutrazole, etaconazole, fluotrimazole, furconazole, furconazole-cis, triamiphos, and triazbutil;

in an (a)/(b) weight ratio of from 0.01 to 20.

2. (Withdrawn - Currently Amended) The composition of claim 1 wherein p is 2.

3. (Withdrawn - Currently Amended) The composition of claim 1 wherein q is 2.

4. (Withdrawn - Currently Amended) The composition of claim 1 wherein each X is independently selected from the group consisting of halogen and haloalkyl.

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5. (Withdrawn - Currently Amended) The composition of claim ~~10~~ 1 wherein each X is independently selected from the group consisting of a chloro atom and a trifluoromethyl group.
6. (Withdrawn - Currently Amended) The composition of claim ~~10~~ 1 wherein each Y is independently selected from the group consisting of halogen and haloalkyl.
7. (Withdrawn - Currently Amended) The composition of claim ~~10~~ 1 wherein each Y is independently selected from the group consisting of a chloro atom and a trifluoromethyl group.
8. (Withdrawn - Currently Amended) The composition of claim ~~10~~ 1 wherein the compound of formula (I) is selected from the group consisting of:
N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide;
N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-iodobenzamide; and
N-{2-[3,5-dichloro-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide.
9. (Withdrawn) The composition of claim 8 wherein the compound of formula (I) is N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide.
10. (Withdrawn - Currently Amended) The composition of claim ~~1~~ 8 wherein the compound capable of inhibiting the ergosterol biosynthesis is a triazole derivative selected from

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the group consisting of ~~azaconazole~~, bitertanol, ~~bromuconazole~~, cyproconazole, difenoconazole, ~~dimiconazole~~, epoxiconazole, ~~fenbuconazole~~, fluquinconazole, ~~flusilazole~~, ~~flutriafol~~, hexaconazole, ~~imibenconazole~~, ~~ipconazole~~, metconazole, myclobutanil, ~~penconazole~~, propiconazole, prothioconazole, ~~simeconazole~~, ~~tetraconazole~~, ~~triadimefon~~, tebuconazole, and triadimenol, ~~triticonazole~~, ~~diclobutrazole~~, ~~etaconazole~~, ~~fluotrimazole~~, ~~furconazole~~, ~~furconazole-cis~~, ~~triamiphos~~, and triazbutil.

11-18. (Canceled)

19. (Withdrawn - Currently Amended) The composition of claim ~~10~~ 1 further comprising a fungicidal compound (c) that is different from (a) and (b) and is selected from the group consisting of azaconazole, azoxystrobin, (Z)-N-[α -(cyclopropylmethoxyimino)-2,3-difluoro-6-(trifluoromethyl)-benzyl]-2-phenylacetamide, 6-iodo-2-propoxy-3-propylquinazolin-4(3H)-one, benalaxyl, benomyl, benthiavalicarb, biphenyl, bitertanol, blasticidin-S, boscalid, borax, bromuconazole, bupirimate, sec-butylamine, calcium polysulfide, captafol, captan, carbendazim, carboxin, carpropamid, chinomethionat, chlorothalonil, chlozolate, copper hydroxide, copper octanoate, copper oxychloride, copper sulfate, cuprous oxide, cyazofamid, cymoxanil, cyproconazole, cyprodinil, dazomet, debacarb, dichlofluanid, dichlorophen, diclobutrazole, diclocymet, diclomezine, dicloran, diethofencarb, difenoconazole, difenzoquat metilsulfate, difenzoquat,

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diflumetorim, dimethirimol, dimethomorph, diniconazole, dinobuton, dinocap, diphenylamine, dithianon, dodemorph, dodemorph acetate, dodine, edifenphos, epoxiconazole, etaconazole, ethaboxam, ethirimol, ethoxyquin, etridiazole, famoxadone, fenamidone, fenarimol, fenbuconazole, fenfuram, fenhexamid, fenciclonil, fenoxanil, fenpropidin, fenpropimorph, fentin, fentin hydroxide, fentin acetate, ferbam, ferimzone, fluazinam, fludioxonil, fluoroimide, fluoxastrobin, fluquinconazole, flusilazole, flusulfamide, flutolanil, flutriafol, folpet, formaldehyde, fosetyl, fosetyl-aluminium, fuberidazole, furalaxyl, furametpyr, guazatine, guazatine acetates, hexachlorobenzene, hexaconazole, 8-hydroxyquinoline sulfate, potassium hydroxyquinoline sulfate, hymexazol, imazalil sulfate, imazalil, imibenconazole, iminoctadine, iminoctadine triacetate, ipconazole, iprobenfos, iprodione, iprovalicarb, isoprothiolane, kasugamycin, kasugamycin hydrochloride hydrate, kresoxim-methyl, mancopper, mancozeb, maneb, mepanipyrin, mepronil, mercuric chloride, mercuric oxide, mercurous chloride, metalaxyl, metalaxyl-M, metam-sodium, metam, metconazole, methasulfocarb, methyl isothiocyanate, metiram, metominostrobin, mildiomyacin, myclobutanil, nabam, nickel bis(dimethyldithiocarbamate), nitrothal-isopropyl, nuarimol, octhilinone, ofurace, oleic acid, oxadixyl, oxine-copper, oxpoconazole fumarate, oxycarboxin, pefurazoate, penconazole, pencycuron, pentachlorophenol, sodium pentachlorophenoxide, pentachlorophenyl laurate, phenylmercury acetate, sodium 2-phenylphenoxide, 2-phenylphenol, phosphorous acid, phthalide, picoxystrobin, piperalin, polyoxin, polyoxin B, polyoxin, polyoxorim, probenazole, prochloraz, procymidone, propamocarb hydrochloride, propamocarb, propiconazole, propineb,

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prothioconazole, pyraclostrobin, pyrazophos, pyributicarb, pyrifenox, pyrimethanil, pyroquilon, quinoxifen, quintozone, silthiofam, simeconazole, spiroxamine, sulfur, tar oils, tebuconazole, tecnazene, tetraconazole, thiabendazole, thifluzamide, thiophanate-methyl, thiram, tolclofos-methyl, tolylfluanid, triadimefon, triadimenol, triazoxide, tricyclazole, tridemorph, trifloxystrobin, triflumizole, triforine, triticonazole, validamycin, vinclozolin, zineb, ziram and zoxamide.

20. (Withdrawn) The composition of claim 19 wherein the fungicidal compound (c) is selected from the group consisting of trifloxystrobin, fluoxastrobin, pyrimethanil, thiabendazole, guazatine, imidoctadine, picoxystrobin, pyraclostrobin, azoxystrobin, dimoxystrobin, metaminostrobin, 2-{2-[6-(3-chloro-2-methylphenoxy)-5-fluoro-pyrimidin-4-yloxy]-phenyl}2-ethoxyimino-N-methylacetamide, captane, dodine, propineb, mancozeb, spiroxamine, prothioconazole, tebuconazole, thirame, tolylfluanid, iminoctadine, dithianon, sulphur, copper hydroxide, copper octanoate, copper oxychloride, copper sulfate, dinocap, quinoxifen, 2-butoxy-6-iodo-3-propyl-benzopyran-4-one, fludioxonil, triazoxide, fosetyl-Al and phosphorous acid.

21. (Withdrawn - Currently Amended) The composition of claim ~~10~~ 1 further comprising an agriculturally acceptable support, carrier, filler and/or surfactant.

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22. (Withdrawn - Currently Amended) A method for preventively or curatively controlling phytopathogenic fungi of crops comprising applying an effective and non-phytotoxic amount of the composition of claim ~~10~~ 1 to the seed, the plant and/or to the fruit of the plant or to the soil in which the plant is growing or in which it is desired to grow.

23. (Withdrawn - Currently Amended) The composition of claim ~~10~~ 2 wherein the compound capable of inhibiting the ergosterol biosynthesis is a triazole derivative selected from the group consisting of bitertanol, cyproconazole, difenoconazole, epoxiconazole, fluquinconazole, hexaconazole, metconazole, myclobutanil, propiconazole, prothioconazole, tebuconazole, and triadimenol.

24. (Withdrawn - Currently Amended) The composition of claim 23 wherein the compound capable of inhibiting the ergosterol biosynthesis is a triazole derivative selected from the group consisting of cyproconazole, fluquinconazole, tebuconazole, and prothioconazole.